

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

JOSEPH S. GELMIS, Individually and on Behalf of All Others Similarly Situated,	:	Civil Action No. 1:08-cv-00980-RMB
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
EARL W. COLE, III, et al.,	:	
Defendants.	:	
JULES ROTHAS, Individually and on Behalf of All Others Similarly Situated,	:	Civil Action No. 08-cv-01120-RMB
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
MUNICIPAL MORTGAGE & EQUITY L.L.C., et al.,	:	
Defendants.	:	
ARNOLD J. ROSS, Individually and on Behalf of All Others Similarly Situated,	:	Civil Action No. 1:08-cv-01299-RMB
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
EARL W. COLE, III, et al.,	:	
Defendants.	:	

[Caption continued on following page.]

x

DECLARATION OF MARIO ALBA JR. IN FURTHER SUPPORT OF THE MOTION OF
THE YATES GROUP FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF
AND FOR APPROVAL OF SELECTION OF LEAD COUNSEL

ALEX D'ANGELO, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. MUNICIPAL MORTGAGE & EQUITY, LLC, et al., Defendants.

NAOMI RAPHAEL, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. MUNICIPAL MORTGAGE & EQUITY, LLC, et al., Defendants.

x

Mario Alba Jr., declares, under penalty of perjury:

1. I am an associate with Coughlin Stoia Geller Rudman & Robbins LLP ("Coughlin Stoia"). I submit this Declaration in further support of the motion of Robert Yates, Trustee for Robert L. Yates Living Trust, Debra Yates Jerdon Family Trust and Kathleen Yates Carter Family Trust; Alan S. Barry; David Young; Carlo Hornsby; and Ed Friedlander as Trustee for the Ed Friedlander Trust (collectively, the "Yates Group") for consolidation, appointment as Lead Plaintiff and for approval of selection of Lead Counsel.
2. Attached hereto as Exhibit A is a true and accurate copy of the Declaration of Alan S. Barry.
3. Attached hereto as Exhibit B is a true and accurate copy of the Declaration of Edward Friedlander.
4. Attached hereto as Exhibit C is a true and accurate copy of the Declaration of Carlo Hornsby.
5. Attached hereto as Exhibit D is a true and accurate copy of the Declaration of Robert L. Yates.
6. Attached hereto as Exhibit E is a true and accurate copy of the Declaration of David Young.

DATED: April 1, 2008

/s/ *Mario Alba Jr.*
MARIO ALBA JR.

CERTIFICATE OF SERVICE

I, Mario Alba Jr., hereby certify that on April 1, 2008, I caused a true and correct copy of the attached:

Declaration Of Mario Alba Jr. In Further Support Of The Motion Of The Yates Group For Consolidation, Appointment As Lead Plaintiff And For Approval Of Selection Of Lead Counsel

to be served: (i) electronically on all counsel registered for electronic service for this case; and (ii) by first-class mail to all additional counsel on the attached service list.

/s/ Mario Alba Jr.

Mario Alba Jr.

MUNIMAE (NY)

Service List - 3/28/2008 (08-0030)

Page 1 of 2

Counsel For Defendant(s)

David W.T. Daniels
 Michael D. Mann
 Richards Kibbe & Orbe LLP
 701 8th Street, N.W.
 Washington, DC 20001
 202/261-2990
 202/261-2999(Fax)

Counsel For Plaintiff(s)

Arthur N. Abbey
 Nancy Kaboolian
 Abbey Spanier Rodd & Abrams, LLP
 212 East 39th Street
 New York, NY 10016
 212/889-3700
 212/684-5191(Fax)

Sherrie R. Savett
 Barbara A. Podell
 Eric Lechtzin
 Berger & Montague, P.C.
 1622 Locust Street
 Philadelphia, PA 19103
 215/875-3000
 215/875-4604(Fax)

Evan J. Smith
 Brodsky & Smith, LLC
 240 Mineola Blvd., 1st Floor
 Mineola, NY 11501
 516/741-4977
 516/741-0626(Fax)

Samuel H. Rudman
 David A. Rosenfeld
 Mario Alba, Jr.
 Coughlin Stoia Geller Rudman & Robbins LLP
 58 South Service Road, Suite 200
 Melville, NY 11747
 631/367-7100
 631/367-1173(Fax)

Klari Neuwelt
 Law Office of Klari Neuwelt
 110 East 59th Street, 29th Floor
 New York, NY 10022
 212/593-8800
 212/593-9131(Fax)

Marc I. Gross
 Fei-Lu Qian
 Pomerantz Haudek Block Grossman & Gross
 LLP
 100 Park Avenue, 26th Floor
 New York, NY 10017-5516
 212/661-1100
 212/661-8665(Fax)

MUNIMAE (NY)

Service List - 3/28/2008 (08-0030)

Page 2 of 2

Patrick V. Dahlstrom
Joshua B . Silverman
Pomerantz Haudek Block Grossman & Gross
LLP
One North LaSalle Street, Suite 2225
Chicago, IL 60602-3908
312/377-1181
312/377-1184(Fax)

Richard A. Maniskas
D. Seamus Kaskela
David M. Promisloff
Schiffrin Barroway Topaz & Kessler, LLP
280 King of Prussia Road
Radnor, PA 19087
610/667-7706
610/667-7056(Fax)

Phillip Kim
Laurence M. Rosen
The Rosen Law Firm P.A.
350 Fifth Avenue
New York, NY 10118
212/686-1060
212/202-3827(Fax)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

JOSEPH S. GELMIS, Individually and on Behalf of All Others Similarly Situated,	:	Civil Action No. 1:08-cv-00980-RMB
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
EARL W. COLE, III, et al.,	:	
Defendants.	:	
<hr/>		
JULES ROTHAS, Individually and on Behalf of All Others Similarly Situated,	:	Civil Action No. 08-cv-01120-RMB
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
MUNICIPAL MORTGAGE & EQUITY L.L.C., et al.,	:	
Defendants.	:	
<hr/>		
ARNOLD J. ROSS, Individually and on Behalf of All Others Similarly Situated,	:	Civil Action No. 1:08-cv-01299-RMB
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
EARL W. COLE, III, et al.,	:	
Defendants.	:	

x

[Caption continued on following page.]

DECLARATION OF ALAN S. BARRY

ALEX D'ANGELO, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. MUNICIPAL MORTGAGE & EQUITY, LLC, et al., Defendants.

NAOMI RAPHAEL, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. MUNICIPAL MORTGAGE & EQUITY, LLC, et al., Defendants.

x

I, Alan S. Barry, declare as follows under penalty of perjury:

1. I submit this Declaration in support of the accompanying Motion by Robert L. Yates, Trustee, David Young, Alan S. Barry, Carlo Hornsby and Ed Friedlander (collectively, the "Yates Group") for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Counsel.

2. I am a resident of the State of Wisconsin. I am a retired employee of Miller Brewing Co. In addition to myself, the Yates Group includes the following members:

- (a) Robert L. Yates, a resident of Florida, is a retired research chemist.
- (b) David Young, a resident of the State of Washington, is a retired research chemist.
- (c) Ed Friedlander, a resident of Florida, is a retired marketing and advertising executive, and the founder of a vitamin marketing company that is now operated by his son.
- (d) Carlo Hornsby, a resident of Florida, is retired from the beauty business, including employment at Revlon.

3. I participated in a telephone conference call on March 31, 2008 with all of the other proposed lead plaintiffs. During the call, each of us declared our intention to apply to be appointed as lead plaintiff and serve as such, if appointed. Each of the proposed lead plaintiffs is highly knowledgeable and committed to his duties as a fiduciary for the Class. We also discussed, among other things, the responsibilities and duties of the lead plaintiffs, the likely course of the litigation, and reached an agreement with our counsel concerning attorneys' fees and costs. We agreed to exercise joint decision-making and to work together as lead plaintiffs to direct the litigation and to oversee the work of counsel. In this regard, we agreed to convene regularly on the telephone to discuss the status and progress of the case and to seek to reach a consensus on important issues

affecting the conduct of the litigation. If a consensus could not be reached, we agreed on mechanisms to reach a decision.

4. Each member of the Yates Group has declared his understanding of the responsibilities of being a lead plaintiff and class representative. Each of us is willing to fulfill these duties and to testify at a deposition or trial, if needed in this litigation.

5. Each of us agreed to support the application of Berger & Montague, P.C. and Coughlin Stoia Geller Rudman & Robbins LLP for appointment as Plaintiffs' Lead Counsel and the application of Adelberg, Rudow, Dorf & Hendler, LLC, as Liaison Counsel in the federal district court of the District of Maryland. We discussed the qualifications of our attorneys and are confident that they have extensive experience representing plaintiffs in securities and class action litigation. We understand that this case will be under the direct supervision of Sherrie R. Savett, Barbara A. Podell and Eric Lechtzin at Berger & Montague, P.C., and David A. Rosenfeld, Mario Alba, Jr. and Carolina Torres at Coughlin Stoia Geller Rudman & Robbins LLP, each of whom has extensive experience prosecuting securities class actions.

6. Each member of the Yates Group intends to communicate regularly with our counsel about the status and progress of the action in order to maximize the recovery of the Class. We believe that our direction and supervision of the litigation and our counsel will ensure the most efficient and cost-effective management of this litigation.

DATED: March 31, 2008


ALAN S. BARRY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH S. GELMIS, Individually and on Behalf of All Others Similarly Situated, Plaintiff,

vs.

EARL W. COLE, III, et al.,

Defendants.

JULES ROTHAS, Individually and on Behalf of All Others Similarly Situated,

Plaintiff,

vs.

MUNICIPAL MORTGAGE & EQUITY L.L.C., et al.,

Defendants.

ARNOLD J. ROSS, Individually and on Behalf of All Others Similarly Situated,

Plaintiff,

vs.

EARL W. COLE, III, et al.,

Defendants.

[Caption continued on following page.]

x Civil Action No. 1:08-cv-00980-RMB
CLASS ACTION

Civil Action No. 08-cv-01120-RMB
CLASS ACTION

Civil Action No. 1:08-cv-01299-RMB
CLASS ACTION

DECLARATION OF EDWARD FRIEDLANDER

ALEX D'ANGELO, Individually and on
Behalf of All Others Similarly Situated, : Civil Action No. 1:08-cv-01331-RMB

Plaintiff, : CLASS ACTION

vs. :

MUNICIPAL MORTGAGE & EQUITY, LLC, :
et al., :

Defendants. :

NAOMI RAPHAEL, Individually and on
Behalf of All Others Similarly Situated, : Civil Action No. 1:08-cv-02190-RMB

Plaintiff, : CLASS ACTION

vs. :

MUNICIPAL MORTGAGE & EQUITY, LLC, :
et al., :

Defendants. :

x

I, Edward Friedlander, declare as follows under penalty of perjury:

1. I submit this Declaration in support of the accompanying Motion by Robert L. Yates, Trustee, David Young, Alan S. Barry, Carlo Hornsby and Ed Friedlander (collectively, the "Yates Group") for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Counsel.

2. I am a resident of Florida. I am a retired marketing and advertising executive, and the founder of a vitamin marketing company that is now operated by my son. In addition to myself, the Yates Group includes the following members:

- (a) Robert L. Yates, a resident of Florida, is a retired research chemist.
- (b) David Young, a resident of the State of Washington, is a retired research chemist.
- (c) Alan S. Barry, a resident of Wisconsin, is a retired employee of Miller Brewing Co.
- (d) Carlo Hornsby, a resident of Florida, is retired from the beauty business, including employment at Revlon.

3. I participated in a telephone conference call on March 31, 2008 with all of the other proposed lead plaintiffs. During the call, each of us declared our intention to apply to be appointed as lead plaintiff and serve as such, if appointed. Each of the proposed lead plaintiffs is highly knowledgeable and committed to his duties as a fiduciary for the Class. We also discussed, among other things, the responsibilities and duties of the lead plaintiffs, the likely course of the litigation, and reached an agreement with our counsel concerning attorneys' fees and costs. We agreed to

exercise joint decision-making and to work together as lead plaintiffs to direct the litigation and to oversee the work of counsel. In this regard, we agreed to convene regularly on the telephone to discuss the status and progress of the case and to seek to reach a consensus on important issues affecting the conduct of the litigation. If a consensus could not be reached, we agreed on mechanisms to reach a decision.

4. Each member of the Yates Group has declared his understanding of the responsibilities of being a lead plaintiff and class representative. Each of us is willing to fulfill these duties and to testify at a deposition or trial, if needed in this litigation.

5. Each of us agreed to support the application of Berger & Montague, P.C. and Coughlin Stoia Geller Rudman & Robbins LLP for appointment as Plaintiffs' Lead Counsel and the application of Adelberg, Rudow, Dorf & Handler, LLC, as Liaison Counsel in the federal district court of the District of Maryland. We discussed the qualifications of our attorneys and are confident that they have extensive experience representing plaintiffs in securities and class action litigation. We understand that this case will be under the direct supervision of Sherrie R. Savett, Barbara A. Podell and Eric

Lechitzin at Berger & Montague, P.C., and David A. Rosenfeld, Mario Alba, Jr. and Carolina Torres at Coughlin Stoia Geller Rudman & Robbins LLP, each of whom has extensive experience prosecuting securities class actions.

6. Each member of the Yates Group intends to communicate regularly with our counsel about the status and progress of the action in order to maximize the recovery of the Class. We believe that our direction and supervision of the litigation and our counsel will ensure the most efficient and cost-effective management of this litigation.

DATED: March 31, 2008



EDWARD FRIEGLANDER

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH S. GELMIS, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. EARL W. COLE, III, et al., Defendants.

JULES ROTHAS, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. MUNICIPAL MORTGAGE & EQUITY L.L.C., et al., Defendants.

ARNOLD J. ROSS, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. EARL W. COLE, III, et al., Defendants.

[Caption continued on following page.]

DECLARATION OF CARLO HORNSBY

ALEX D'ANGELO, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. MUNICIPAL MORTGAGE & EQUITY, LLC, et al., Defendants.

NAOMI RAPHAEL, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. MUNICIPAL MORTGAGE & EQUITY, LLC, et al., Defendants.

x

I, Carlo Hornsby, declare as follows under penalty of perjury:

1. I submit this Declaration in support of the accompanying Motion by Robert L. Yates, Trustee, David Young, Alan S. Barry, Carlo Hornsby and Ed Friedlander (collectively, the "Yates Group") for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Counsel.

2. I am a resident of Florida. I am retired from the beauty business, including employment at Revlon. In addition to myself, the Yates Group includes the following members:

- (a) Robert L. Yates, a resident of Florida, is a retired research chemist.
- (b) David Young, a resident of the State of Washington, is a retired research chemist.
- (c) Ed Friedlander, a resident of Florida, is a retired marketing and advertising executive and the founder of a vitamin marketing company that is now operated by his son.
- (d) Alan S. Barry, a resident of Wisconsin, is a retired employee of Miller Brewing Co.

3. I participated in a telephone conference call on March 31, 2008 with all of the other proposed lead plaintiffs. During the call, each of us declared our intention to apply to be appointed as lead plaintiff and serve as such, if appointed. Each of the proposed lead plaintiffs is highly knowledgeable and committed to his duties as a fiduciary for the Class. We also discussed, among other things, the responsibilities and duties of the lead plaintiffs, the likely course of the litigation, and reached an agreement with our counsel concerning attorneys' fees and costs. We agreed to exercise joint decision-making and to work together as lead plaintiffs to direct the litigation and to oversee the work of counsel. In this regard, we agreed to convene regularly on the telephone to discuss the status and progress of the case and to seek to reach a consensus on important issues

affecting the conduct of the litigation. If a consensus could not be reached, we agreed on mechanisms to reach a decision.

4. Each member of the Yates Group has declared his understanding of the responsibilities of being a lead plaintiff and class representative. Each of us is willing to fulfill these duties and to testify at a deposition or trial, if needed in this litigation.

5. Each of us agreed to support the application of Berger & Montague, P.C. and Coughlin Stoia Geller Rudman & Robbins LLP for appointment as Plaintiffs' Lead Counsel and the application of Adelberg, Rudow, Dorf & Hendl, LLC, as Liaison Counsel in the federal district court of the District of Maryland. We discussed the qualifications of our attorneys and are confident that they have extensive experience representing plaintiffs in securities and class action litigation. We understand that this case will be under the direct supervision of Sherrie R. Savett, Barbara A. Podell and Eric Lechtzin at Berger & Montague, P.C., and David A. Rosenfeld, Mario Alba, Jr. and Carolina Torres at Coughlin Stoia Geller Rudman & Robbins LLP, each of whom has extensive experience prosecuting securities class actions.

6. Each member of the Yates Group intends to communicate regularly with our counsel about the status and progress of the action in order to maximize the recovery of the Class. We believe that our direction and supervision of the litigation and our counsel will ensure the most efficient and cost-effective management of this litigation.

DATED: March 31, 2008



CARLO HORNSBY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

JOSEPH S. GELMIS, Individually and on Behalf of All Others Similarly Situated,	:	Civil Action No. 1:08-cv-00980-RMB
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
EARL W. COLE, III, et al.,	:	
Defendants.	:	
JULES ROTHAS, Individually and on Behalf of All Others Similarly Situated,	:	Civil Action No. 08-cv-01120-RMB
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
MUNICIPAL MORTGAGE & EQUITY L.L.C., et al.,	:	
Defendants.	:	
ARNOLD J. ROSS, Individually and on Behalf of All Others Similarly Situated,	:	Civil Action No. 1:08-cv-01299-RMB
Plaintiff,	:	<u>CLASS ACTION</u>
vs.	:	
EARL W. COLE, III, et al.,	:	
Defendants.	:	

[Caption continued on following page.]

x

DECLARATION OF ROBERT L. YATES

ALEX D'ANGELO, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. MUNICIPAL MORTGAGE & EQUITY, LLC, et al., Defendants.

NAOMI RAPHAEL, Individually and on Behalf of All Others Similarly Situated, Plaintiff, vs. MUNICIPAL MORTGAGE & EQUITY, LLC, et al., Defendants.

x

I, Robert L. Yates, declare as follows under penalty of perjury:

1. I submit this Declaration in support of the accompanying Motion by Robert L. Yates, Trustee, David Young, Alan S. Barry, Carlo Hornsby and Ed Friedlander (collectively, the "Yates Group") for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Counsel.

2. I am a resident of Florida. I am a retired research chemist. In addition to myself, the Yates Group includes the following members:

(a) David Young, a resident of the State of Washington, is a retired research chemist.

(b) Alan S. Barry, a resident of Wisconsin, is a retired employee of Miller Brewing Co.

(c) Ed Friedlander, a resident of Florida, is a retired marketing and advertising executive, and the founder of a vitamin marketing company that is now operated by his son.

(d) Carlo Hornsby, a resident of Florida, is retired from the beauty business, including employment at Revlon.

3. I participated in a telephone conference call on March 31, 2008 with all of the other proposed lead plaintiffs. During the call, each of us declared our intention to apply to be appointed as lead plaintiff and serve as such, if appointed. Each of the proposed lead plaintiffs is highly knowledgeable and committed to his duties as a fiduciary for the Class. We also discussed, among other things, the responsibilities and duties of the lead plaintiffs, the likely course of the litigation, and reached an agreement with our counsel concerning attorneys' fees and costs. We agreed to exercise joint decision-making and to work together as lead plaintiffs to direct the litigation and to oversee the work of counsel. In this regard, we agreed to convene regularly on the telephone to discuss the status and progress of the case and to seek to reach a consensus on important issues

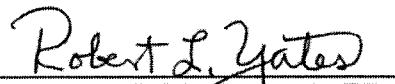
affecting the conduct of the litigation. If a consensus could not be reached, we agreed on mechanisms to reach a decision.

4. Each member of the Yates Group has declared his understanding of the responsibilities of being a lead plaintiff and class representative. Each of us is willing to fulfill these duties and to testify at a deposition or trial, if needed in this litigation.

5. Each of us agreed to support the application of Berger & Montague, P.C. and Coughlin Stoia Geller Rudman & Robbins LLP for appointment as Plaintiffs' Lead Counsel and the application of Adelberg, Rudow, Dorf & Hendl, LLC, as Liaison Counsel in the federal district court of the District of Maryland. We discussed the qualifications of our attorneys and are confident that they have extensive experience representing plaintiffs in securities and class action litigation. We understand that this case will be under the direct supervision of Sherrie R. Savett, Barbara A. Podell and Eric Lechtzin at Berger & Montague, P.C., and David A. Rosenfeld, Mario Alba, Jr. and Carolina Torres at Coughlin Stoia Geller Rudman & Robbins LLP, each of whom has extensive experience prosecuting securities class actions.

6. Each member of the Yates Group intends to communicate regularly with our counsel about the status and progress of the action in order to maximize the recovery of the Class. We believe that our direction and supervision of the litigation and our counsel will ensure the most efficient and cost-effective management of this litigation.

DATED: March 31, 2008


ROBERT L. YATES

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSEPH S. GELMIS, Individually and on Behalf of All Others Similarly Situated,	x
Plaintiff,	:
vs.	:
EARL W. COLE, III, et al.,	:
Defendants.	:
<hr/>	
JULES ROTHAS, Individually and on Behalf of All Others Similarly Situated,	:
Plaintiff,	:
vs.	:
MUNICIPAL MORTGAGE & EQUITY L.L.C., et al.,	:
Defendants.	:
<hr/>	
ARNOLD J. ROSS, Individually and on Behalf of All Others Similarly Situated,	:
Plaintiff,	:
vs.	:
EARL W. COLE, III, et al.,	:
Defendants.	:

[Caption continued on following page.]

DECLARATION OF DAVID YOUNG

ALEX D'ANGELO, Individually and on Behalf of All Others Similarly Situated, Plaintiff, : Civil Action No. 1:08-cv-01331-RMB
vs. :
MUNICIPAL MORTGAGE & EQUITY, LLC, et al., :
Defendants. :
NAOMI RAPHAEL, Individually and on Behalf of All Others Similarly Situated, Plaintiff, : Civil Action No. 1:08-cv-02190-RMB
vs. :
MUNICIPAL MORTGAGE & EQUITY, LLC, et al., :
Defendants. :

I, David Young, declare as follows under penalty of perjury:

1. I submit this Declaration in support of the accompanying Motion by Robert L. Yates, Trustee, David Young, Alan S. Barry, Carlo Hornsby and Ed Friedlander (collectively, the "Yates Group") for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Counsel.

2. I am a resident of the State of Washington. I am a retired research chemist. In addition to myself, the Yates Group includes the following members:

- (a) Robert L. Yates, a resident of Florida, is a retired research chemist.
- (b) Alan S. Barry, a resident of Wisconsin, is a retired employee of Miller Brewing Co.
- (c) Ed Friedlander, a resident of Florida, is a retired marketing and advertising executive, and the founder of a vitamin marketing company that is now operated by his son.
- (d) Carlo Hornsby, a resident of Florida, is retired from the beauty business, including employment at Revlon.

3. I participated in a telephone conference call on March 31, 2008 with all of the other proposed lead plaintiffs. During the call, each of us declared our intention to apply to be appointed as lead plaintiff and serve as such, if appointed. Each of the proposed lead plaintiffs is highly knowledgeable and committed to his duties as a fiduciary for the Class. We also discussed, among other things, the responsibilities and duties of the lead plaintiffs, the likely course of the litigation, and reached an agreement with our counsel concerning

attorneys' fees and costs. We agreed to exercise joint decision-making and to work together as lead plaintiffs to direct the litigation and to oversee the work of counsel. In this regard, we agreed to convene regularly on the telephone to discuss the status and progress of the case and to seek to reach a consensus on important issues affecting the conduct of the litigation. If a consensus could not be reached, we agreed on mechanisms to reach a decision.

4. Each member of the Yates Group has declared his understanding of the responsibilities of being a lead plaintiff and class representative. Each of us is willing to fulfill these duties and to testify at a deposition or trial, if needed in this litigation.

5. Each of us agreed to support the application of Berger & Montague, P.C. and Coughlin Stoia Geller Rudman & Robbins LLP for appointment as Plaintiffs' Lead Counsel and the application of Adelberg, Rudow, Dorf & Hendler, LLC as Liaison Counsel in the federal district court of the District of Maryland. We discussed the qualifications of our attorneys and are confident that they have extensive experience representing plaintiffs in securities and class action litigation. We understand that this case will be under the direct supervision of Sherrie R. Savett, Barbara A. Podell and Eric Lechtzin at Berger & Montague, P.C., and David A. Rosenfeld, Mario Alba, Jr. and Carolina Torres at Coughlin Stoia Geller Rudman & Robbins LLP, each of whom has extensive experience prosecuting securities class actions.

6. Each member of the Yates Group intends to communicate regularly with our counsel about the status and progress of the action in order to maximize the recovery of the Class. We believe that our direction and supervision of the litigation and our counsel will ensure the most efficient and cost-effective management of this litigation.

DATED: March 31, 2008



DAVID YOUNG